

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**BRIAN HANES, MELVIN MUCK, AND
WINDALE KNIGHTEN
Plaintiffs**

vs.

**NACCO INDUSTRIES, INC., THE
NORTH AMERICAN COAL
CORPORATION, AND THE SABINE
MINING COMPANY,
Defendants**

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**CIVIL ACTION NO.
2:11cv-00260-JRG**

JURY TRIAL DEMANDED

STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiffs Brian Hanes, Melvin Muck and Windale Knighten (collectively “Plaintiffs”), and Defendants NACCO Industries, Inc., The North American Coal Corporation and The Sabine Mining Company (collectively “Defendants”), pursuant to FED. R. CIV. P. 41, stipulate, subject to the approval of the Court, that:

Plaintiffs’ claims brought against Defendants NACCO Industries, Inc., The North American Coal Corporation and The Sabine Mining Company in this lawsuit are dismissed with prejudice.

All counterclaims brought by Defendants against Plaintiff Brian Hanes in this lawsuit are dismissed with prejudice.

This lawsuit is dismissed with prejudice.

All attorneys’ fees and costs are borne by the party that incurred them.

DATED: August 8, 2012.

Respectfully submitted,

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By: /s/ Mark P. McMahon (with permission BAS)
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HANES, MELVIN MUCK, AND WINDALE
KNIGHTEN

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PLAINTIFFS NACCO INDUSTRIES, INC., THE
NORTH AMERICAN COAL CORPORATION
AND THE SABINE MINING COMPANY

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system per Local Rule CV-5(a)(3) on the 8th day of August, 2012.

/s/ Bruce A. Smith

Bruce A. Smith